

EXHIBIT 14

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

Civil Action No. 5:18-cv-235 (MAD/ATB)

- - - - - X

NAOMI GONZALES,

Plaintiff,

v.

AGWAY ENERGY SERVICES, LLC

Defendant.

- - - - - X

August 26, 2020

10:28 a.m.

DEPOSITION of Expert Witness, FRANK
ANDREW FELDER, PH.D., held via Virtual Zoom, Veritext
Legal Solutions, 290 West Mount Pleasant Avenue,
#3200, Livingston, New Jersey, before Cynthia Zoller,
R.P.R., Notary Public and Certified Court Reporter of
the State of New Jersey.

1 sounds like familiar language.

2 Q. That actually charges or other
3 assessments in Agway's costs, expenses and margins,
4 that's what I was referring to.

5 MR. BLANKINSHIP: Objection.

6 A. Right. Presumably, there's some limit on
7 the amount of margin they could charge.

8 Q. What's the limit?

9 A. Well, I think 5 or 10 percent is a
10 reasonable margin, but I didn't go and draw, do a,
11 you know, a hard line where that limit is.

12 Q. Well, you just said there should be some
13 limit to it and Questions 5 and 10 are both rather
14 radically different numbers. What is the, what is
15 the margin that Agway contractually, in your opinion,
16 was obligated to charge?

17 MR. BLANKINSHIP: Objection. There's no
18 question, that's just a statement.

19 MR. COYLE: That wasn't a statement. I
20 said what was, that's why it's a question.

21 Q. What was the margin that Agway was
22 permitted to charge, question?

23 MR. BLANKINSHIP: Objection, asked and
24 answered.

25 A. I did a two-pronged analysis based on the

Page 244

CERTIFICATE

I, CYNTHIA ZOLLER, Certified Court Reporter of the State of New Jersey, License No. 30X100178500, do hereby certify that the foregoing is a true and accurate record of the proceedings.

I DO FURTHER CERTIFY that I am not related through blood or through marriage, to any of the parties to this action, and that I have no financial interest in this action.

Cynthia Zoller, R.P.R.

Cynthia Zoller, C.C.R., R.P.R.

Notary Public of the State of New Jersey

My Commission Expires June 30, 2022